

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LAUREN ASHLEY MORGAN; ERIK
BARNES; SHERRY BASON; LOIS WINN;
GEORGES EMMANUEL NJONG DIBOKI;
JULIA SIMS; and SOPHIA WOODLAND,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

REALPAGE, INC.; GREYSTAR REAL
ESTATE PARTNERS, LLC; LINCOLN
PROPERTY CO.; CUSHMAN &
WAKEFIELD, INC.; FPI MANAGEMENT,
INC.; RPM LIVING, LLC; BH
MANAGEMENT SERVICES, LLC; MID-
AMERICA APARTMENT COMMUNITIES,
INC.; MORGAN PROPERTIES, LLC;
AVENUE5 RESIDENTIAL, LLC; BOZZUTO
MANAGEMENT COMPANY; AVALONBAY
COMMUNITIES, INC.; HIGHMARK
RESIDENTIAL, LLC; EQUITY
RESIDENTIAL; THE IRVINE COMPANY,
LLC; ESSEX PROPERTY TRUST, INC.; ZRS
MANAGEMENT, LLC; CAMDEN PROPERTY
TRUST; UDR, INC.; CONAM
MANAGEMENT CORPORATION;
CORTLAND PARTNERS, LLC; THRIVE
COMMUNITIES MANAGEMENT, LLC;
SECURITY PROPERTIES INC.; CWS
APARTMENT HOMES, LLC; PROMETHEUS
REAL ESTATE GROUP, INC.; SARES REGIS
GROUP OPERATING, INC.; MISSION ROCK
RESIDENTIAL, LLC; and MORGAN GROUP,
INC.,

Defendants.

No. 2:22-cv-01712

STIPULATED MOTION AND
ORDER SUSPENDING
DEADLINE FOR DEFENDANT
ZRS MANAGEMENT, LLC TO
RESPOND TO COMPLAINT

Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiffs Lauren Ashley Morgan, Erik Barnes, Sherry Bason, Lois Winn, Georges Emmanuel Njong Diboki, Julia Sims, and Sophia Woodland (collectively, “Plaintiffs”) and Defendant ZRS Management, LLC (“Stipulating Defendant”), by and through their respective counsel, hereby stipulate as follows:

WHEREAS, Plaintiffs filed a Class Action Complaint (the “Complaint”) on December 2, 2022. ECF No. 1.

WHEREAS, Plaintiffs served the Stipulating Defendant with process on or about December 9, 2022.

WHEREAS, the Complaint asserts a claim under Section 1 of the Sherman Act based on the alleged use of RealPage, Inc.’s revenue management software.

WHEREAS, as of the date of this filing, the Stipulating Defendant is named in one other lawsuit in District Court in Washington, asserting claims under Section 1 of the Sherman Act based on the alleged use of RealPage, Inc.’s revenue management software.

WHEREAS, Plaintiffs and the Stipulating Defendant have conferred and agreed that party and judicial efficiency would be best served by suspending, for a short period of time, the deadline for the Stipulating Defendant to answer, move to dismiss, or otherwise respond to the Complaint.

WHEREAS, Plaintiff and the Stipulating Defendant have agreed to meet and confer and file a status report with the Court by January 18, 2023 related to a schedule for the case.

WHEREAS, on November 28, 2022, this Court entered in *Navarro v. RealPage, Inc. et al.*, No. 2:22-cv-01552 (W.D. Wash.), an order that is essentially identical to the subjoined order based on a stipulation that is essentially identical to this one.

WHEREAS, on December 6, 2022, Judge Barbara J. Rothstein entered in *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), which is now pending before this Court, an order that is essentially identical to the subjoined order based on a stipulation that is essentially identical to this one.

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1 WHEREAS, on December 8, 2022, Defendant Equity Residential filed a Motion to
2 Transfer the instant case to the Southern District of California.

3 WHEREAS, on December 12, 2022, Judge Robert S. Lasnik entered in *Cherry et al. v.*
4 *RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), an order that is essentially identical to
5 the subjoined order based on a stipulation that is essentially identical to this one.

6 WHEREAS, on December 19, 2022, the Stipulating Plaintiffs filed a Motion to
7 Consolidate this matter with other matters pending in the Western District of Washington
8 related to claims under Section 1 of the Sherman Act for alleged use of Real Page, Inc.'s
9 revenue management software;

10 WHEREAS, Plaintiffs have submitted a proposed order, pursuant to their Motion to
11 Consolidate, that if entered, would order consolidated complaints for, respectively, a
12 Multifamily Housing class and a Student Housing Class, to be filed 45 days after the granting
13 of the Order;

14 WHEREAS, in light of actions filed recently in the District of Colorado, the District of
15 Massachusetts, and the Western District of Texas, the Stipulating Defendant and other
16 Defendants intend on filing a motion pursuant to 28 U.S.C. § 1407 or, possibly, 28 U.S.C. §
17 1404, to transfer this case to the Northern District of Texas. In making this stipulation, the
18 Stipulating Defendant does not waive, in this or any other action, any (i) defenses or arguments
19 for dismissal that may be available under Fed. R. Civ. P. 12; (ii) affirmative defenses under
20 Fed. R. Civ. P. 8; (iii) other statutory or common law defenses that may be available; or (iv)
21 right to seek or oppose any reassignment, transfer, or consolidated alternatives. The Stipulating
22 Defendant expressly reserves its rights to raise any such defenses (or any other defense) in
23 response to either the Complaint or any original, amended, or consolidated complaint that may
24 be filed in this or any other action.

25 THEREFORE, Plaintiffs and the Stipulating Defendant stipulate and agree to suspend
26 the deadline for the Stipulating Defendant to answer, move to dismiss, or otherwise respond to

27 STIPULATED MOTION AND ORDER SUSPENDING DEADLINE FOR DEFENDANT TO RESPOND TO
COMPLAINT

No. 2:22-cv-01712

the Complaint and request that the Court enter the subpoenaed order pursuant to this stipulation.

STIPULATED to this 29th day of December, 2022.

s/ Steve W. Berman

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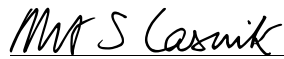
ORDER

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Defendant ZRS Management, LLC to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendant ZRS Management, LLC to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended.

Plaintiffs and Defendant ZRS Management, LLC shall meet and confer and file a status report with the Court by January 18, 2023.

Dated this 30th day of December, 2022.



Robert S. Lasnik

United States District Judge